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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/816,762

04/02/2004

Robert J. Drost

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1134

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EXAMINER

RAHLL, JERRY T

ART UNIT

PAPER NUMBER

2874

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/816,762

Applicant(s)

DROST ET AL.

Examiner

Jerry T. Rahll

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 7-14, 17-24 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-14, 17-24 and 27-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 21, 2006 has been entered.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4, 7-14, 17-24, and 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 2003/0039455 to Ouchi in view of Robertson et al.

5. Regarding Claims 1, 11 and 21, Ouchi describes a computer system (see Paragraph 4) having a device for communicating between a first electrical-to-optical semiconductor transducer (1131), a member of a plurality of transducers associated with a channel (see Figure 1, unlabeled channel holding driver circuits 1131 and transducers 1132), to convert electrical signals into optical signals located on a face and a second optical-to-electrical semiconductor transducer (1141), a member of a plurality of transducers associated with a channel (see Figure 1, unlabeled channel holding driver circuits 1142 and transducers 1141), configured to convert optical signals received from the first transducer into electrical signals located on a second face, where the first and second faces are oriented face-to-face so that the optical signal from the first die shines on the second die (see Figure 1 and Paragraphs 6-7). Ouchi does not describe the first and second transducers positioned on separate semiconductor dies.

6. Robertson et al. describes a device for communicating between a first semiconductor die (14) and a second semiconductor dies (15) comprising an electrical-to-optical transducers (16A-16D) configured to convert electrical signals into optical signals (see Column 3) located on a face of the first die and optical-to-electrical transducers (17A-17D) configured to convert optical signals received from the first die into electrical signals (see Column 3) located on a face of the second die, where the first and second dies are oriented face-to-face so that the optical signal from the first die shines on the second die (see Figures 2-3 and Columns 2-4). The method of Claim 1 is embodied in the device described above.

7. Ouchi and Robertson et al. are analogous art form the same field of endeavor of optical communications between electrical circuits. At the time of invention, it would have been obvious to one of ordinary skill in the art to use the transducer set up of Ouchi with the separate

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die structure of Robertson et al. The motivation for doing so would have been to allow for optical connection between electrical circuits that are not coplanar. Therefore, it would have been obvious to one of ordinary skill in the art to combine Robertson et al. with Ouchi to obtain the invention as specified in the present claims.

8. The method of Claim 1 is embodied in the device described above.

9. Regarding Claims 2 and 12, Robertson et al. does not specifically describe annuli in metal layers on the first semiconductor die. However, it is well known in the art that such annular structures are functionally equivalent to the lens structures described by Robertson et al. Therefore, it would have been obvious to one of ordinary skill in the art to use any well-known equivalent to focus the optical signal in the device described by Robertson. The motivation for doing so would have been to increase long-term stability of the structure or to decrease the projection of the focusing means from the die surface.

10. Regarding Claims 3 and 13, Robertson et al. describes lenses (19A-19D) that focus the optical signal on the second die.

11. Regarding Claims 4, 14, and 24, Ouchi describes a mirror (1133s) reflecting the optical signal and the transducers being perpendicular to each other (see Figure 1).

12. Regarding Claims 7, 8, 17 and 18, Robertson does not specifically describe controlling the transducers to correct mechanical misalignment in X, Y, or  $\Theta$  coordinates. However, Robertson does describe controlling the transducers to correct for mechanical misalignment in the X coordinates (See Figure 2). However, since the embodiment described in Figure only has single rows of transducers, there would be no reason to control misalignment in Y or  $\Theta$  coordinates. However, it would have been obvious to one having ordinary skill in the art at the

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time of the invention to use multiple rows of transducers in the system since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Once such duplication had been contemplated, control for misalignment in any planar direction would have been obvious to one of ordinary skill in the art to correct for the new degree of possible misalignments.

13. Regarding Claims 9 and 19, Robertson et al. describes the electrical-to-optical transducers as VCSELs (23).

14. Regarding Claims 10 and 20, Robertson et al. describes the optical-to-electrical transducers as PIN photo-diodes (see Column 3).

15. Regarding Claims 31 and 32, Ouchi further describes an interposer (1101) containing plural waveguides sandwiched between the transducers.

16. Regarding Claims 21-24, 27-30, and 33, all of the limitations of these claims have been discussed concerning Claims 1-4, 7-14, 17-20, and 31-32 except for the inclusion of the described device in a computer system. Robertson does not specifically describe the device used in a computer system. However, it is well-known in the art to use optical transmission between chips in computer systems. Therefore, it would have been obvious to one of ordinary skill in the art to use the transducer setup described by Robertson in a computer system to allow for fast, dense communication between chips.

#### ***Response to Arguments***

17. Applicant's arguments filed August 14, 2006 have been fully considered but they are not persuasive. Applicant argues that Ouchi and Robertson do not describe multiple transducer

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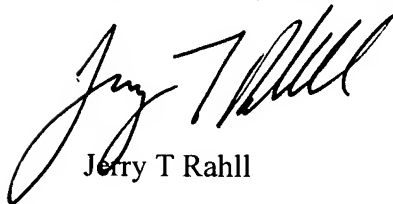
elements for each channel. Please see paragraph 4, above, for a discussion of Ouchi's teaching of transducer elements for a single channel.

*Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry T. Rahll whose telephone number is (571) 272-2356. The examiner can normally be reached on M-Th (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jerry T Rahll



MICHELLE CONNELLY-CUSHWA  
PRIMARY EXAMINER  
9/28/06